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## II. BOOK REVIEWS.

**A CODE OF FEDERAL PROCEDURE.** By Walter Malins Rose. In three volumes. San Francisco: Bancroft-Whitney Company. 1907. pp. xxx, 3186. 24cm.

In this work Mr. Rose has produced a book of unusual value to the practicing lawyer. The mere statement that more than six hundred closely printed pages in the third volume are devoted to approved forms relating to nearly every sort of procedure in the federal courts is sufficient to show the practical character of this treatise. The text itself, which occupies slightly more than one-half of the whole number of pages, presents the principles of federal practice in the form of a code, the greater number of the sections of which are quoted directly from the Constitution, the federal statutes, or the rules of court. Where, however, principles are found in the law which are stated only in the decisions, the author has summarized them in sections containing his own statement of the established rules. The sources of both the author's sections and those quoted from the Constitution, the statutes, or the court rules, are clearly indicated. The book contains very complete cross-references, and also tables of parallel references by means of which the sections of the code in which any section of the Revised Statutes or of the Statutes at Large is discussed may be readily found. The work also contains the Bankruptcy Act and the General Orders in Bankruptcy, the rules of the Supreme Court and of all the circuit courts of appeals, and the rules of the circuit courts of the more important jurisdictions. The whole is made readily accessible by an index of more than one hundred and thirty pages.

Ordinarily the treatment of a complicated subject within the somewhat rigid limits of a code is a task of the greatest difficulty. The rules of federal procedure, however, are so largely derived from positive enactments rather than from common-law principles or customary practice, that the subject lends itself to codification more readily than almost any other. One disadvantage of a treatise in code form is that the principles with which it deals must be stated in the form of established propositions, thus leaving less chance for a discussion of doubtful or disputed points. While this defect will be felt at times by the critical reader of Mr. Rose's work, it has been avoided for the most part by the use of full annotations. These annotations make up the greater part of the text of the book. They contain a complete exposition and discussion of the rules laid down in the various sections of the code, arranged in ordinary text-book form, with full references to the decisions upon which the notes are based. No doubt Mr. Rose's experience in collecting federal cases for his former works has been of great value to him in the preparation of these volumes. At any rate, the collection of cases seems to be very complete. The treatment of the various topics is clear and logically arranged. One may with some confidence express the hope that the work will meet with the cordial welcome from the profession which its merits warrant.

H. LEB. S.

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**THE PRINCIPLES AND FORMS OF PRACTICE.** By Austin Abbott. Second Edition by Carlos C. Alden. In two volumes. New York: Baker, Voorhis and Company. 1907. pp. xiv, 1170; xi, 1171-2317. 8vo.

Outside of the code itself no book is used more by the practicing attorney in New York than Abbott's Practice and Forms. A new edition of this work will therefore be welcomed by all lawyers in that state. Twenty years have passed since the first edition was published, yet in spite of the changes in the code and the many decisions of the court, the editor of the present edition has found very little to change in the first edition. His work has consisted almost entirely in noting the amendments to the code in the past twenty years, and the decisions of the courts during that period. These amendments and decisions are collected annually in the New York Annual Digest under the title "Code